Denied 3/10/05

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
MAR 10 2005
AT ___ O'CLOCK ___
Lawrence K. Baerman, Clerk - Binghamton

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Plaintiffs

vs.

STIPULATION

Criminal Case No: 04-CR-544 (TJM)

KUN FUK CHENG
a/k/a STEVEN CHENG;
JIN RONG CHENG,
a/k/a JOYCE CHENG
and HUI GUO

Defendants.

IT IS HEREBY STIPULATED, by and between the parties to this action, Glenn T. Suddaby, United States Attorney for the Northern District of New York, Sara M. Lord, Assistant United States Attorney, of counsel, and Brian Devane, Esq., on behalf of defendant **KUN FUK CHENG;** E. Stewart Jones, Esq. on behalf of **JIN RONG CHENG;** and Steven Coffey, Esq. on behalf of **HUI GUO,** that the time period before the filing of motions be extended for ninety (90) days from March 13, 2005 and that this time be excluded from speedy trial computations under the provisions of Title 18, United States Code, Section 3161(h)(8)(A). This continuance will allow defense counsel to review the extremely extensive evidence and to discuss a possible disposition of the charges without unnecessarily using the time and other resources of the Court, this office, and defense counsel. It is agreed by the parties that the ends of justice served by the granting of said continuance will outweigh the interest of the public and defendants in a speedy trial.

Note: this exclusion shall pertain to all defendants, in the interest of justice and pursuant to Speedy Trial Act, unless a motion for severance is granted.

- Date of indictment: 11/17/04

- Date of initial appearance and/or arraignment: 11/18/04
- Defendant custody status: Not in custody
- Date of detention hearing: 11/19/04
- Date of any previous exclusions granted and the length of such exclusions as to all defendants in above case: 12/22/04 - 3/15/05
- Exclusion concludes: ____________
- Motions shall be filed: ____________
- Motions shall be made returnable ____________
- Trial date/Plea date ____________

Defendants are not incarcerated.

Dated: March , 2005

GLENN T. SUDDABY
UNITED STATES ATTORNEY

BY: ____________
Sara M. Lord
Assistant U.S. Attorney
Bar Roll # 104163

Dated: March , 2005

____
Brian Devane, Esq.
Attorney for Defendant
Bar Roll #

Dated: March 4 , 2005

____
E. Stewart Jones, Esq.
Attorney for Defendant
Bar Roll #

- Date of initial appearance and/or arraignment: 11/18/04
- Defendant custody status: Not in custody
- Date of detention hearing: 11/19/04
- Date of any previous exclusions granted and the length of such exclusions as to all defendants in above case: 12/22/04 - 3/15/05
- Exclusion concludes: 6/6/05
- Motions shall be filed: 6/6/05
- Motions shall be made returnable 7/11/05 @ 10:00am Albany
- Trial date/~~Plea date~~ 6/20/05 @ 10:00am in Watertown, NY

Defendants are not incarcerated.

Dated: March , 2005

GLENN T. SUDDABY
UNITED STATES ATTORNEY

BY: ______________________
Sara M. Lord
Assistant U.S. Attorney
Bar Roll # 104163

Dated: March 7, 2005

Brian W. Devane
Brian Devane, Esq.
Attorney for Defendant
Bar Roll # 501138

Dated: March , 2005

____
E. Stewart Jones, Esq.
Attorney for Defendant
Bar Roll #

Dated: March 7, 2005

Steven Coffey, Esq.
Attorney for Defendant
Bar Roll #

* * * * * * * * * * *

SO ORDERED:

Dated: March 9, 2005
Albany, New York

THOMAS J. McAVOY
SR. UNITED STATES DISTRICT JUDGE